

183475

**BEFORE
THE STATE OF SOUTH CAROLINA
PUBLIC SERVICE COMMISSION**

In re: Petition of US LEC of South :
Carolina Inc. for Expedited Review of : Docket No.
Code Denial by the Number Pooling :
Administrator in the Summerville Rate :
Center

**MOTION FOR PROTECTIVE TREATMENT AND
BASIS FOR FILING EXHIBITS D and E AS TRADE SECRETS**

Introduction

US LEC of South Carolina Inc. ("US LEC"), by its attorneys and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, and all other applicable rules, statutes and regulations, hereby files this Motion for Protective Treatment ("Motion") in the above-captioned proceeding. By this Motion, US LEC seeks protective treatment by the Public Service Commission of South Carolina ("Commission") of certain commercially-sensitive information attached as *Exhibits D and E*, filed as Trade Secret to the Petition of US LEC for Expedited Review of its Code Denial by the Number Pooling Administrator in the Summerville Rate Center ("Petition"). Because this Motion is an inseparable part of the Petition, it is being filed concurrently therewith.

In support of this Motion, US LEC provides the following:

1. The exact legal name, address and telephone number of the Applicant is:

US LEC of South Carolina, Inc.
6801 Morrison Blvd.
Charlotte, NC 28211
704-319-1476 (Telephone)
704-602-1476 (Telecopier)

*This document is an exact duplicate, with the exception
of the form of the signature, of the e-filed copy submitted to the
Commission in accordance with its electronic filing instructions.*

2, Correspondence or communications regarding this Motion should be addressed to:

Bonnie D. Shealy, Esquire
Robinson, McFadden & Moore, P.C.
P.O. Box 944
Columbia, SC 29202
Telephone: (803) 779-8900
Facsimile: (803) 252-0724
bshealy@robinsonlaw.com

with a copy to:

Edward H. Griffin
Regulatory Manager
US LEC Corp.
6801 Morrison Blvd.
Charlotte, NC 28211
704-319-1476 (Telephone)
704-602-1476 (Telecopier)
egriffin@uslec.com (email)

Description of Confidential Information.

3. US LEC provided specific information on its number utilization for the Summerville Rate Center involved in this request which is attached as Exhibit D of the Petition. US LEC considers this to be proprietary information which the company does not disclose publicly and customarily guards from its competitors. Public disclosure of this information may result in direct, immediate and substantial harm to the competitive position of US LEC in South Carolina.

4. The Petition requires US LEC to disclose information from its customer's contractor which forms the basis for the request for additional numbering resource. The correspondence is attached under seal as Exhibit E of the Petition. Such detailed justification contains highly confidential and strictly proprietary information, the public disclosure of which

may result in direct, immediate and substantial harm to the competitive position of US LEC in South Carolina.

Grounds for Claim of Confidentiality.

5. US LEC does not have a legal obligation to submit the information provided in *Exhibits D and E* to any public entity. As such, the information in *Exhibits D and E* to the Petition are not readily available to persons external to US LEC.

6. Because the information submitted by US LEC in support of the Petition contains confidential and commercially-sensitive information from which its competitors may derive economic value, US LEC seeks to protect such material from public disclosure. US LEC derives independent economic value from the fact that significant, detailed and proprietary information regarding its customers and number utilization for specific rate centers is unknown to its competitors. As such, the information provided in Exhibits D and E are “trade secrets” as that term is used in South Carolina Trade Secrets Act. *S.C. Code Section 39-8-20(5)*. Given this fact, the disclosure of this information could provide existing and potential competitors, including carriers in South Carolina, as well as in other states in which US LEC or an affiliated company provides or intends to provide telecommunications service, with an unfair and undeserved competitive advantage.

7. US LEC clarifies herein that its request for protection applies only to the documents attached as *Exhibits D and E* to the Petition. US LEC is not seeking protection of any type for those reports US LEC is required to file with the Office of Regulatory Staff (“ORS”).

CONCLUSION

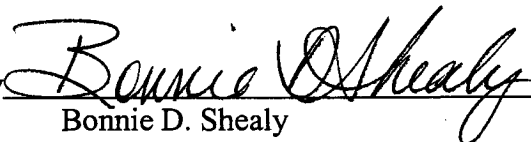
The information included in support of US LEC's Petition for which Confidential Treatment is sought, is both proprietary and competitively-sensitive. The substantial and direct harm that could be caused to US LEC as a result of any disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required US LEC or affiliated companies to make this information available to the public. For all these reasons, ***Exhibits D and E*** to the Petition should be protected from public disclosure by the Commission.

WHEREFORE, US LEC respectfully requests that the Public Service Commission of South Carolina grant this Motion for Protective Treatment with respect to ***Exhibits D and E*** to the Petition and filed *under seal* as Confidential in this proceeding.

Dated this 4th day of January, 2007.

Respectfully submitted,

ROBINSON, MCFADDEN & MOORE, P.C.

By 
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